

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 04-10214-GAO
)	
MOHAMED HAMADE)	

GOVERNMENT'S MOTION FOR EXCLUDABLE DELAY (ASSENTED TO)

The United States of America respectfully moves that the time period between April 26, 2006 and October 23, 2006 be excluded from calculation for purposes of the Speedy Trial Act. April 26, 2006 marks the date that the Court declared a mistrial in this case. Pursuant to 18 U.S.C. 3161(e), a new Speedy Trial Act clock began ticking on that date, the date the action occasioning the retrial became final. Since April 26, 2006, trial counsel has been succeeded and must prepare, witnesses and attorney schedules must be coordinated anew, transcripts must be ordered, and the parties will continue to negotiate the collateral and legal issues in the prosecution, among other time-delaying factors. Given these factors, and with particular deference to counsel for the defense who is coming into a case after a prior trial in the matter, the time cause by this delay should not be included for purposes of the Speedy Trial clock calculations. See 18 U.S.C. §3161(h)(1)(F), 3161(h)(8)(A), 3161(h)(8)(B)(iv)(permitting excludable delay where continuance affords continuity of counsel or reasonable time necessary for effective preparation for trial). Accordingly, the

Court should find that such an exclusion would serve the ends of justice and is not outweighed by the best interests of the public and defendant in a speedy trial, and the Government respectfully requests such time be excluded, and specific findings be made, pursuant to 18 U.S.C. §3161(h)(8)(A) and 3161(h)(8)(B)(iv).

Counsel for the defense assents to this motion.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Alope S. Chakravarty
ALOE S. CHAKRAVARTY
KIMBERLEY WEST
Assistant U.S. Attorneys

Date: June 19, 2006

CERTIFICATE OF SERVICE

I hereby certify that I have discussed this matter with counsel, and this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on June 19, 2006.

/s/ Alope Chakravarty
ALOE CHAKRAVARTY
ASSISTANT UNITED STATES ATTORNEY